

Decision No. 35421

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )	
W. J. TANNAHILL, M. F. TANNAHILL and )	
E. J. TANNAHILL, co-partners, doing )	Application No. 21909
business under the name and style of )	
W. J. TANNAHILL & SONS. )	

ORIGINAL

BY THE COMMISSION:

FOURTE SUPPLEMENTAL OPINION AND ORDER

By Decision No. 30960, as amended, in the above entitled application, W. J. Tannahill, M. F. Tannahill and E. J. Tannahill, co-partners, operating as a highway contract and city carrier, were authorized to transport lumber and forest products under contract with Owens-Parks Lumber Company at rates less than the established minimum rates. This authority was limited to an area comprised of the City of Vernon and designated contiguous territory. It expired May 9, 1942.

By amended supplemental application a one-year extension of the authority is sought. It is represented that the volume of applicants' traffic has decreased; that the interested shipper has agreed to pay rates higher than those previously authorized by 10 cents per thousand feet, and penalty charges for delays to certain equipment higher than the former penalty charge by 40 cents per hour; that applicants and the shipper have closely cooperated in minimizing loading delays, in securing full loading of equipment, and in routing

deliveries so as to avoid wasteful use of equipment; and that because of the economies so effected and other economies resulting from applicants' close supervision of their operations and because of the aforesaid increased rates applicants are still able to perform service on a compensatory basis.

It appears that this is a matter in which a public hearing is not necessary and that applicants should again be authorized to observe rates less than the established minimum rates for the transportation in issue. However, it has not been shown that applicants' operations would be compensatory were the agreement to pay higher rates abrogated. Applicants' authority, modified by the incorporation of these higher rates, will be reinstated. Due, however, to the possibility that the conditions under which the service is rendered may change at any time, the authority will be made subject to change, cancellation or extension during the proposed further period of one year.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that W. J. Tannahill, M. F. Tannahill and E. J. Tannahill, co-partners doing business as W. J. Tannahill & Sons, be and they are hereby authorized to transport the commodities hereinafter described, within the specified territory under contract with Owens-Parks Lumber Company, at rates less than the established minimum rates, but not less than the following rates:

\$1.60 per thousand feet on all lumber and forest products as described in Item No. 660 of Highway Carriers' Tariff No. 2 (Appendix "D" of Decision No. 31606, as amended, in Case No. 4246), except sash and doors, delivered within a radius of 30 miles (computed in accordance with Distance Table No. 3 (Appendix "A" of Decision No. 31605, as amended, in Cases Nos. 4088, Part "N", 4145 and 4246), of the Vernon yard of Owens-Parks Lumber Company.

Hourly penalty charges shall be assessed in addition to the foregoing for unnecessary delays in loading, C.O.D., and all other delays, in accordance with the following basis:

- \$1.50 per Hour for 4-wheel 1½ ton trucks
- 1.50 per hour for 6-wheel 1½ ton trucks
- 2.20 per hour for 2-ton trucks
- 2.59 per hour for trucks of over 2 tons

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall expire one (1) year from the effective date of this order unless sooner changed, canceled or extended by appropriate order of the Commission.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 26<sup>th</sup> day of May, 1942.

Justus F. Cameron  
Ray L. Kelley

Richard K. Lachse

Commissioners